761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT
*A Tradition of Service*

DATE: April 15, 2013
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** BUDDY GOLDMAN, COMMANDER
NORTH PATROL DIVISION

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:**

| | |
|---|---|
| Case Number: | SH2301967 |
| Incident: | Hit Shooting |
| Incident Date: | November 29, 2011 |
| Unit: | Norwalk Station |
| Suspect: | Arthur Bates, Jr., MH/03-03-72 |
| Involved Employees: | Deputy Robert Del Valle, #[redacted]<br>Sergeant Christopher Johnson, #[redacted]<br>[redacted] #[redacted] |
| EFRC Date: | April 10, 2013 |

The Executive Force Review Committee (EFRC) consisting of Commanders Buddy Goldman, David Fender, and Bobby Denham met and reviewed the above case.

**FORCE POLICY RELATING TO INCIDENT:**

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

**FINDINGS:**

Norwalk Station deputies responded to a suicidal person armed with a gun call. While enroute to the location, the call was updated indicating the suspect had fired his weapon. The responding units coordinated their response over a tactical frequency and met at an intersection two blocks away from the location. The units discussed the use of less lethal options. The call was updated indicating the suspect had left the location without the weapon and was headed in the direction of a park.

The units established a containment based on the updated information and drove to the location. As they approached, they saw a man matching the description of the suspect run into the middle of the street carrying a bottle of liquor in his left hand and a semiautomatic pistol in his right hand.

Norwalk Station personnel approached the suspect from behind cover as he immediately began to challenge them to kill him. The personnel on scene tried to convince the suspect to put the pistol down on the ground, but he ignored their commands and continued to yell at them. The suspect pointed his pistol at the deputies and fired a shot, striking a marked black and white Sheriff's tahoe. The deputies, in fear for their lives, returned fire striking the suspect multiple times. The suspect fell to the ground and dropped the pistol, but remained uncooperative.

The deputies approached the suspect and pulled him out of the street and behind cover of an SUV, making sure no additional suspects were inside the location which was East of the shooting scene.

The suspect was handcuffed and deputy personnel cleared the location. Once the location was secured, paramedics treated the suspect and he was transported to Saint Francis Medical Center for additional medical treatment. The suspect sustained multiple gunshot wounds to his right arm, left shin, and left hip.

The involved personnel were not injured during the incident and the suspect's pistol was recovered at the scene. Five expended 9mm shell casings fired by the suspect were also recovered at the scene.

The EFRC determined the force used to arrest the armed and dangerous suspect was reasonable, necessary, and justified. The EFRC also determined the tactics used were within Department policy.

**RECOMMENDATIONS:**

Based on the suggestion of the unit commander, Captain Patrick E. Maxwell, the EFRC supports the recognition of the involved personnel with a Departmental award for their tactical excellence, patience, reverence for human life, and our Core Values.

BG:JER:jer

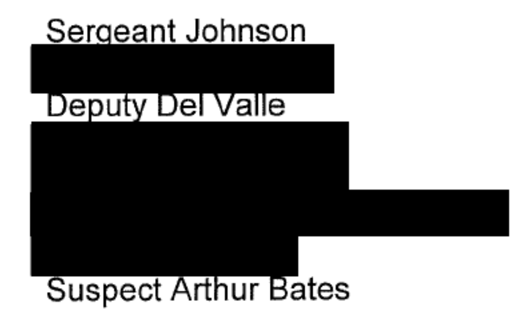
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Sergeant Johnson
[redacted]
Deputy Del Valle
[redacted]
Suspect Arthur Bates

**EXHIBITS**

**A.** Homicide case book.

**B.** JDIC Print out.

**C.** 4 compact disks.

**D.** Photographs used during Sergeant Johnson's interview.

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# Los Angeles County Sheriff's Department
# Officer Involved Shooting



| Report Date: 11-29-11 | Bureau/Station/Facility: FOR III/ Norwalk Station | Admin. Invest.? ☐ | Hit? ☒ |
|---|---|---|---|

## Incident Information

| | |
|---|---|
| URN: 011-16360-0451-055 | Date: 11-29-11 Time: 0336 |
| City or Station: Norwalk | Nature of Incident: Department personnel responded to a 911 call of shots fired, person armed with a gun call at the location. Responding Sergeants and Deputies were immediately confronted by an armed suspect who fired multiple shots into the air and at them. They returned fire striking the suspect. Handgun recovered. |
| Location: [redacted] Elmcroft Ave, Norwalk, CA 90650 | |

**Location Type** (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
**Street**
Other: ______

**Lighting** (*circle only one*):
**Darkness**
Daylight
Other
Street Lights

**Weather** (*circle only one*):
**Clear**
Cloudy
Fog
Rain

Distance: 25-30 yards

**Incident Type** (*circle one or more*):
Accidental
**Armed Person**
Fleeing Suspect
Foot Pursuit
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______

**Initiated by** (*circle only one*):
Arrest Warrant
**Call**
Observation
One Person Unit
Other
Search Warrant
Two Person Unit

**Prior Activity** (*circle only one*):
Detective
Inmate Transport
Other
**Routine Patrol**

Aero Unit? ☐ Canine Unit? ☐

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 20 | 5 |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non-Employee Witnesses

| | | | | | |
|---|---|---|---|---|---|
| Last Name [redacted] | | First Name [redacted] | | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | | Work Ph | Home Ph [redacted] |
| Last Name [redacted] | | First Name [redacted] | | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | | Work Ph | Home Ph [redacted] |
| Last Name [redacted] | | First Name [redacted] | | M.I. [redacted] | |
| Street Address [redacted] | City [redacted] | Zip Code [redacted] | | Work Ph | Home Ph [redacted] |

## Supervisors

| Employee # | Last Name | First Name | M.I | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Johnson | Christopher | | **On Duty**; Present during shooting; Witness to shooting; **Involved in shooting** |
| [redacted] | [redacted] | [redacted] | | **On Duty**; Present during shooting; Witness to shooting; **Involved in shooting** |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Cano | Albert | D |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Rivera | Frank | |

**PSTD Use Only**
SH # ______

# Officer Involved Shooting

URN: 011-16360-0451-055



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 11/29/11 | 0630 | 11/29/11 | 04-29-13 |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Vaughan | Stephen | |
| [redacted] | Hamil | Jeffrey | |
| [redacted] | Velasquez | Hector | |

## Shooting / Force Information

### *Method*

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### *Type of Injury*

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### *Body Part Injured*

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### *Brand*

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### *Caliber*

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## *FORCE APPLIED* *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S-1 | E-1 | FH | SW | 9 | | | NN | |
| E-1 | S-1 | FH | BR | 9 | Y | Y | GS | HI |
| E-2 | S-1 | FH | BR | 9 | Y | Y | GS | AR |
| E-3 | S-1 | FH | BR | 9 | Y | Y | GS | LE |
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# Officer Involved Shooting
# Involved Employee Information

URN: 011-16360-0451-055



## Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Johnson | First Name: Christopher | M.I.: L |
| Sex: M Race: W | Rank: Sergeant | Unit Assignment: Norwalk | Work Assignment (Unit #, Module, etc.): 40S |
| ShiftTime (*circle only one*): (EM) PM Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☒ |
| Hrs of sleep prior to shooting: 7.5 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: County Double |
| Age: [redacted] Height: 5'-9" Weight: 175 | | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta 92FS | Caliber: 9mm # Shots: 4 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

**E 2**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Sex: [redacted] Race: [redacted] | Rank [redacted] | Unit Assignment: [redacted] | Work Assignment (Uni[redacted] |
| ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☒ |
| Hrs of s[redacted]hooting: | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: [redacted] Weight: [redacted] | | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta 92FS | Caliber: 9mm # Shots: 6 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |

**E 3**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Del Valle | First Name: Brent | M.I.: |
| Sex: M Race: W | Rank: Deputy | Unit Assignment: Norwalk | Work Assignment (Unit #, Module, etc.): 45 |
| ShiftTime (*circle only one*): (EM) PM Day | ShiftType (*circle only one*): (Regular) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: Interviewed? ☒ |
| Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest; Raid Jacket w/ Vest; Plain Clothes w/ Vest; Uniform no Vest; Raid Jacket no Vest; (Uniform w/ Vest) | Other Factors: |
| Age: [redacted] Height: 5'-11" Weight: 175 | | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta 92FS | Caliber: 9mm # Shots: 10 | Weapons Fired Brand: | Caliber: # Shots: |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted] |



See Other Side

# Officer Involved Shooting Suspect Information

URN: 011-16360-0451-055



## Suspect Information

**S 1**

| | | |
|---|---|---|
| Last Name: Bates | First Name: Arthur | M.I.: Jr |
| AKA Last Name: Bates | First Name: Tudy | M.I.: |

| | | | |
|---|---|---|---|
| Sex: M Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: N/A | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 39 D.O.B. 03-03-72 | Height: 5'-8: Weight: 170 | FBI #: [redacted] | CII #: [redacted] |
| Booking #: 2962642 | Primary Charge: 664/187 P.C. | Secondary Charge: 245 (D)(2) P.C. | |
| Coroner Case? [ ] | Coroner Case #: | Intoxication/Drug Usage? [X] | Substance Used: Alcohol |
| Armed? [X] | Apprehended? [X] | Mental Illness? [X] | Criminal History? [redacted] |
| Vehicle Make: | | Model: | Year: |

**S ___**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? [ ] | Coroner Case #: | Intoxication/Drug Usage? [ ] | Substance Used: |
| Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ] |
| Vehicle Make: | | Model: | Year: |

**S ___**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? [ ] | Coroner Case #: | Intoxication/Drug Usage? [ ] | Substance Used: |
| Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ] |
| Vehicle Make: | | Model: | Year: |

**S ___**

| | | |
|---|---|---|
| Last Name: | First Name: | M.I.: |
| AKA Last Name: | First Name: | M.I.: |

| | | | |
|---|---|---|---|
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI #: | CII #: |
| Booking #: | Primary Charge: | Secondary Charge: | |
| Coroner Case? [ ] | Coroner Case #: | Intoxication/Drug Usage? [ ] | Substance Used: |
| Armed? [ ] | Apprehended? [ ] | Mental Illness? [ ] | Criminal History? [ ] |
| Vehicle Make: | | Model: | Year: |

# SUPPLEMENTAL NON-EMPLOYEE WITNESSES
## Los Angeles County Sheriff's Department



**Non-Employee Witnesses**

| | | | |
|---|---|---|---|
| Last Name [redacted] | First Name [redacted] | | M.I. [redacted] |
| Street Address [redacted] | Zip Code [redacted] | Work Ph [redacted] | Home Ph [redacted] |
| Last Name [redacted] | First Name [redacted] | | M.I. [redacted] |
| Street Address [redacted] | Zip Code [redacted] | Work Ph [redacted] | Home Ph [redacted] |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |
| Last Name | First Name | | M.I. |
| Street Address | Zip Code | Work Ph | Home Ph |

# INVESTIGATIVE SUMMARY

# INTERNAL AFFAIRS BUREAU
## INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED SHOOTING: HIT

| | |
|---|---|
| **CASE NUMBER:** | SH2301967 |
| **URN:** | 011-16360-0451-055 |
| **SUBJECT:** | Arthur Bates M/H 03-03-1972 |
| **STATION:** | Norwalk Station/ FOR III |
| **DATE/TIME/DAY:** | November 29, 2011, 0336 hours, Tuesday |
| **LOCATION:** | [redacted] Elmcroft Avenue, Norwalk CA, 90650 |

**SYNOPSIS:**
On November 29, 2011 at approximately 0330 hours, Deputy Del Valle and [redacted] (Unit [redacted], and Sergeant Johnson, (40S), were assigned a suicidal person armed with a gun call (Tag-20). While en-route to the location the call was updated indicating the suspect had fired the weapon.

IAB Note: **A copy of the call is included in [Exhibit A], (Homicide case book), pages 39-40. Units [redacted] and 40S's Deputy Daily Work Sheet is also included in [Exhibit A], pages 38 and 41. A copy of the Norwalk station in-service is included in [Exhibit A], Pages 42-43.**

The responding units coordinated their response over the local tactical (L-Tac) frequency, and met at the intersection of Dune Avenue and Elmcroft Avenue, approximately 2 blocks away from the location. The units discussed the use of "Less Lethal" options and coordinated their tactical response. The call was updated indicating the suspect left the location without the weapon and was headed in the direction of a park. Unit [redacted] established a containment based on the updated information received.

The units drove to the location and as they passed Hercules Avenue driving North, a male matching the description of the suspect ran into the middle of Elmcroft Avenue carrying a bottle of liquor in his left hand and a semi-automatic handgun in his right hand.

The suspect immediately began challenging the deputy and sergeants to kill him while holding the gun down at his side. The deputy and sergeants tried to convince the suspect to put the gun on the ground, but the suspect continued to demand that they kill him. The suspect ignored their commands and continued to yell at them.

At one point the suspect got down on his hands and knees and pointed at his forehead telling them to shoot him. The suspect got back onto his feet as [redacted] and Del Valle took cover behind the opened patrol car doors. [redacted] took cover between his Chevy Tahoe and a blue minivan because Deputy Del Valle was in his line of fire.

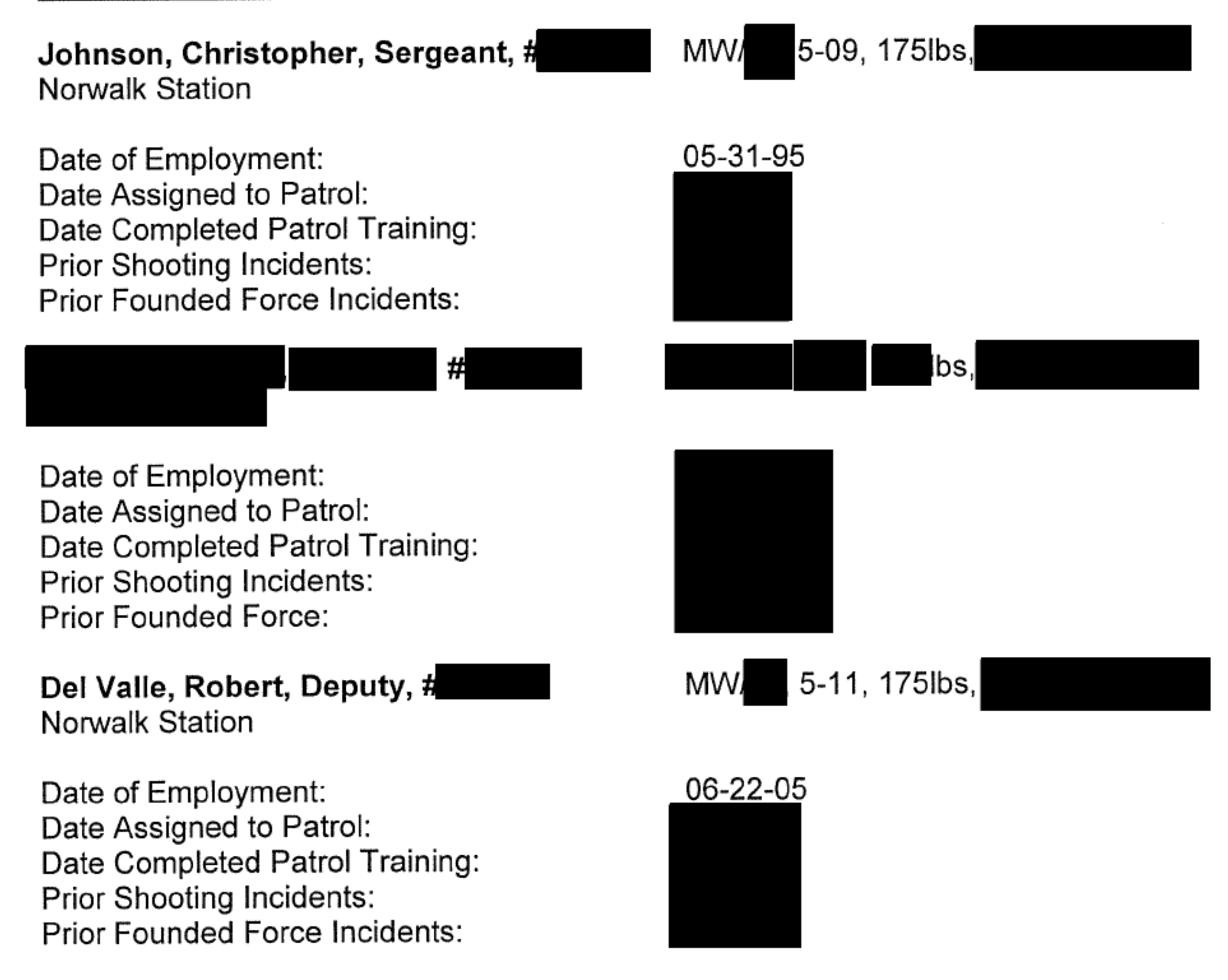
Suspect Bates pointed the gun at the deputy and sergeants and fired a shot, striking Sergeant Johnson's black and white Chevy Tahoe. The deputies, in fear for their lives, returned fire from their department issued firearms, striking Suspect Bates. Suspect Bates fell to the ground and dropped the handgun. Suspect Bates continued to be uncooperative and [redacted] Johnson and Deputy Del Valle approached the suspect and pulled him out of the street and behind cover of an SUV because they didn't know if additional suspects were still inside of the location. Suspect Bates was handcuffed and [redacted] and Johnson along with additional deputies cleared the location. Once the location was secured, paramedics from Engine Company 20, treated the suspect and he was transported to Saint Francis Medical Center. Suspect Bates sustained multiple gunshot wounds to the right arm, left shin and left hip. The involved personnel were not injured during the incident.

Suspect Bates' handgun, a Smith and Wesson 9mm semi-automatic, was recovered at the scene. The handgun was empty of ammunition with the slide locked to the rear. Five expended 9mm shell casings fired by the suspect were recovered.

Internal Affairs Bureau Lieutenant Steve Vaughan was notified, and along with Sergeants Jeff Hamil and Hector Velasquez, responded to the location to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses and involved employees.

# INTERNAL AFFAIRS BUREAU
## INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED SHOOTING: HIT

**<u>INVOLVED PERSONNEL:</u>**



**Johnson, Christopher, Sergeant, #**[redacted] MW/[redacted] 5-09, 175lbs, [redacted]
Norwalk Station

Date of Employment: 05-31-95
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

[redacted] # [redacted] lbs, [redacted]

Date of Employment: [redacted]
Date Assigned to Patrol:
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force:

**Del Valle, Robert, Deputy, #**[redacted] MW/[redacted] 5-11, 175lbs, [redacted]
Norwalk Station

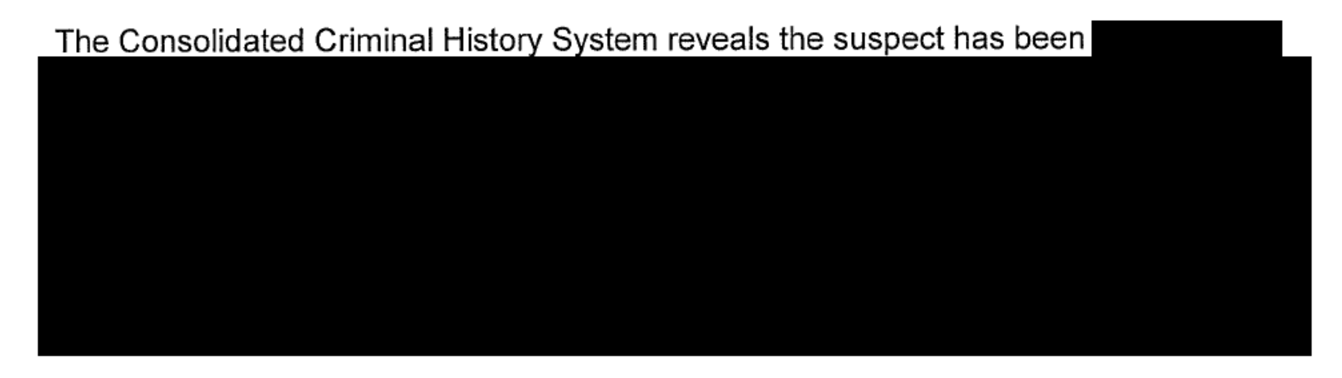
Date of Employment: 06-22-05
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training:
Prior Shooting Incidents:
Prior Founded Force Incidents:

# INTERNAL AFFAIRS BUREAU
## INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED SHOOTING: HIT

**SUSPECT**

**Bates, Arthur, Jr.** MH/39, DOB: 03-03-1972, 5-08, 165 lbs., Booking #2962642

The Consolidated Criminal History System reveals the suspect has been [redacted]



**IAB Note:** **Suspect Bates Criminal History is included in the IAB case book as [Exhibit B], and is included in [Exhibit A], Page 68.**

**EMPLOYEE WITNESSES**

None

**NON-EMPLOYEE WITNESSES**



[redacted] F/H [redacted]

[redacted] M/H [redacted]

[redacted]

[redacted]/H [redacted]

## INJURIES

### SUSPECT

Suspect Bates sustained multiple gunshot wounds. He was transported to Saint Francis Medical Center, via ambulance. The suspect was assigned Medical Number 001165971. He was treated and later booked in the jail ward at Los Angeles County Medical Center (LCMC).

### DEPUTY PERSONNEL

None

## PHYSICAL EVIDENCE

Several items of evidence were collected by staff from the Scientific Services Bureau. The suspect's firearm was amongst the items recovered and collected as evidence.

> IAB Note: **A sketch of the crime scene and evidence legend is included in the IAB case book, [Exhibit A, page 54]. Crime scene photographs are included in the IAB case book as [Exhibit C].**

## DISTANCE

Approximately 25 yards

## INVESTIGATORS OBSERVATIONS

The Internal Affairs Bureau Investigators arrived at the scene ([redacted] Elmcroft Avenue), approximately two hours after the incident had occurred.

# INTERNAL AFFAIRS BUREAU
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The 11700 block of Elmcroft Avenue is a north/south paved residential street. It has single family homes along the east and west curb lines. It has two lanes of travel with parking lanes along both curb lines. The location was illuminated by two street lights located on the west side of Elmcroft Avenue. Hercules Avenue is to the south and Elmcroft Avenue dead ends into the grass field of Lakeside Middle School.

Investigators observed a marked black and white Sheriff's Department patrol car, #SH0441 parked along the east side of Elmcroft Avenue, just north of Hercules Avenue. A marked Sheriff's Department patrol Tahoe, #SH1990 was parked just north of Hercules Avenue, just east of a blue Dodge Caravan License Plate #[redacted] The driver's side door of the Tahoe was open along with the rear hatch. The Tahoe's left front tire was flat. Investigators observed a bottle and miscellaneous debris in the middle of the street, approximately 25 yards in front of the Sheriff's patrol vehicles. The scene was closed at the intersection of Elmcroft Avenue and Hercules Avenue.

**IAB Note: A copy of the crime scene sketch is included in [Exhibit A, page 54]. A C.D. containing the crime scene photographs is included as [Exhibit C].**

## REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Investigators reviewed the radio traffic, (both L-Tac and Dispatch channels), associated with the incident.

**On the main working frequency (Dispatch 8)**, the Sheriff's Communication Center (SCC), dispatches the call, (Tag-20). Unit [redacted] and Deputy Del Valle), are assigned the handle and give an ETA of three minutes. Unit 40S, (Sergeant Johnson), acknowledges the call and is responding. The call is updated indicating there were "923's" (shots fired) at the location one-minute and 44 seconds after the initial call. Unit [redacted] (Deputy Del Valle) asks for an "Aero" unit and is advised by SCC that none is available, he then requests responding units to L-Tac; 40L advised he is responding from the station. Two-minutes and nine seconds after the initial call, Unit [redacted] advised they are, (Code-6), at the location. Two-minutes 36 seconds into the call, Unit [redacted] advised, "10-33" (Emergent Traffic), they have a "417" suspect (armed suspect), and Unit [redacted] is heard setting up responding units on the containment. Three minutes and 53 seconds into the call, Unit [redacted] advises "998" (deputy involved in a shooting), and the suspect is down but still uncooperative. Unit [redacted] advised they are facing north and five-minutes, six seconds into the call Unit [redacted] requests "Fire" to respond and stage down the street, and that no deputies are injured.

**On the local tactical channel (L-Tac).** Unit [redacted] can be heard, coordinating the response when the desk advises the suspect had put the gun in the street and was heading toward the park. Unit [redacted] advised units to meet south of the location and ask for a unit to deploy the "stun bag." The desk advised that at least two shots had been fired at the location. They request "Fire" to stage down the street, and continue to place units on the containment. After the 998, units from neighboring stations are heard advising that they were responding and containment is established.

**IAB Note:** **2 C.D.s containing a recording of the radio communications during the incident are included in the IAB case book as [Exhibit C].**

**WEAPONS USED BY DEPUTY PERSONNEL**

**Sergeant Johnson**

| | |
|---|---|
| Service Weapon Type: | Beretta 9mm Semi-Automatic |
| Rounds Fired: | Four |
| Type of Ammunition: | Department Issued Luger (Win) Ranger SXT 147gr. |
| Date Employee Last Qualified: | [redacted] |

**IAB Note:** **An examination of Sergeant Johnson's Firearm indicated he had shot a total of four rounds. The Test Fire Exam Report of Sergeant Johnson's firearm is included in the IAB case book, [Exhibit A, pages 55-58]. Sergeant Johnson's Firearms Training Record and Qualification Record are included in the IAB case book in the [Miscellaneous Documents].**

# INTERNAL AFFAIRS BUREAU
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## DEPUTY INVOLVED SHOOTING: HIT

[redacted]

Service Weapon type:
Rounds Fired:
Type of Ammunition Used:

Date Employee last Qualified:

[redacted]

**IAB Note:** **An examination of [redacted] Firearm indicated he had shot a total of six rounds. The Test Fire Exam Report of [redacted] firearm is included in the IAB case book, [Exhibit A, pages 55-58]. [redacted] Firearms Training Record and Qualification Record are included in the IAB case book in the [Miscellaneous Documents].**

**Deputy Del Valle**

| | |
|---|---|
| Service Weapon Type: | Beretta 9mm Semi-Automatic |
| Rounds Fired: | Ten |
| Type of Ammunition: | Department Issued Luger (Win) Ranger SXT 147gr. |
| Date Employee last Qualified: | [redacted] |

**IAB Note:** **An examination of Deputy Del Valle's Firearm indicated he had shot a total of ten rounds. The Test Fire Exam Report of Deputy Del Valle's firearm is included in the IAB case book, [Exhibit A, pages 55-58]. Deputy Del Valle's Firearms Training Record and Qualification Record are included in the IAB case book in the [Miscellaneous Documents].**

# INTERNAL AFFAIRS BUREAU
## INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED SHOOTING: HIT

**WEAPON USED BY SUSPECT**

Suspect Bates was in possession of a 9mm Smith & Wesson Semi- Automatic pistol, serial number RAV[redacted] The firearm and five expended "RWS 9mm Luger" cartridge cases were recovered from the crime scene.

**PROPERTY DAMAGE**

A red 2008 Chevrolet Colorado LS, King Cab truck, License Number[redacted]was parked on the west curb line in front of[redacted]Elmcroft Avenue. The vehicle sustained a bullet strike on the rear tailgate. The registered owner is [redacted] who resides at[redacted]

IAB Note: **Photographs of the above listed damage are included in the IAB case book in [Exhibit C]. A Sketch of the scene which shows the position of the vehicles is included in [Exhibit A].**

**CRIMINAL INVESTIGATORS/CHARGES FILED**

Investigators: Sergeant Richard Biddle, #[redacted]and Sergeant Barry Hall #[redacted] Homicide Bureau.

Charges: Suspect Bates was charged with two counts of Assault on a Police Officer with a Semi-Automatic Firearm, 245(D) (2) PC, and one count of Assault with a Deadly Weapon, 245(a) (1) PC. The case was filed at Norwalk Court, case number VA122627.

IAB Note: **Suspect Bates Preliminary Hearing was July 24, 2011. He was "held to answer," and has a jury trial scheduled for April 22, 2013.**

### LIGHTING AND WEATHER CONDITIONS

The incident occurred on a clear, cool morning, (0330 hours).

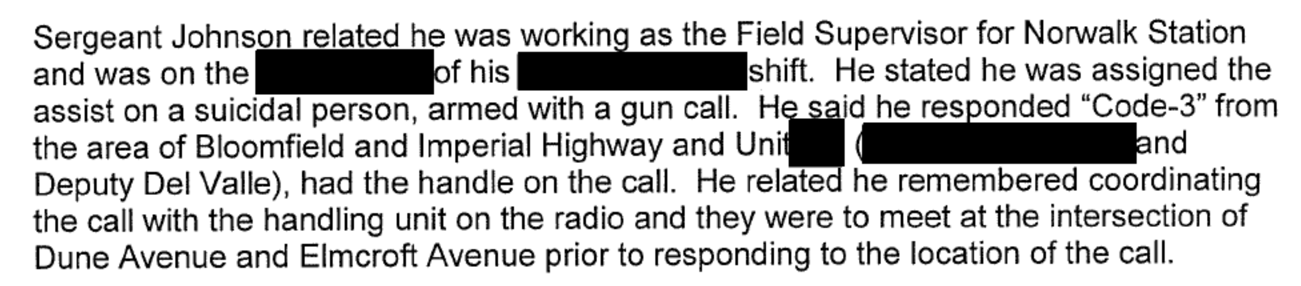
### INVOLVED EMPLOYEE STATEMENTS

**Involved Sergeant Christopher Johnson, #**[redacted] was interviewed by Homicide Bureau Detectives Richard Biddle and Barry Hall on November 29, 2011, at 0650 hrs. The interview was conducted at the Norwalk Sheriff's Station and was audio recorded. The interview was summarized by Homicide Detectives and is included in **[Exhibit A, pages 10-12].** See Exhibit A for his Homicide Interview.

**IAB Note: IAB Investigators had the verbatim interview transcribed and it is included in the IAB case book in the transcription section. A C.D. containing the audio interview is included in the IAB case book in [Exhibit C].**

**Sergeant Johnson** was interviewed by IAB Sergeants Hamil and Carrizosa on February 13, 2013 at 1015 hrs. He was advised of his right to representation and he chose to speak with IAB investigators without representation. The following is a summary of his interview. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

Sergeant Johnson's statement and description of the incident during this interview was essentially the same as he provided to Homicide Detectives. He then answered questions relative to tactics and training.



Sergeant Johnson related he was working as the Field Supervisor for Norwalk Station and was on the [redacted] of his [redacted] shift. He stated he was assigned the assist on a suicidal person, armed with a gun call. He said he responded "Code-3" from the area of Bloomfield and Imperial Highway and Unit [redacted] ([redacted] and Deputy Del Valle), had the handle on the call. He related he remembered coordinating the call with the handling unit on the radio and they were to meet at the intersection of Dune Avenue and Elmcroft Avenue prior to responding to the location of the call.

He stated while he was responding, the call was updated that the suspect had fired shots. He related that "Less Lethal options were discussed prior to them arriving at the location, but no one was designated because the update on the call of the suspect actively shooting changed the response. He stated that if "Less Lethal" weaponry was to be deployed, it would have been him, because he was carrying all of the "Less Lethal" in his vehicle. He related when he met with Unit [redacted] at Dune and Elmcroft, the call was updated again indicating the suspect had placed the weapon down in the street and was walking away from the location. He said containment was set up around the area based on the information that the suspect had left the location.

Sergeant Johnson stated he and Unit [redacted] drove North on Elmcroft Avenue and as they passed Hercules Avenue, they were looking for the address when the suspect ran into the street. He saw the suspect carrying a bottle in his left hand and a gun in his right hand. The suspect stopped in the middle of the street and hid the gun behind his back. He stopped his Tahoe and put it in park and got out. He originally took cover behind his car door and the suspect was approximately 25 yards in front of the vehicle. He said they all were giving the suspect orders to drop the gun, but the suspect was yelling at them to kill him. He said at one point the suspect got on his hands and knees and was pointing at his forehead and was yelling at them to shoot him.

Sergeant Johnson said as he, (Johnson), exited his car, Deputy Del Valle had positioned himself behind the opened passenger door of the Crown Victoria. He decided to move behind his Tahoe and take a position on the east side of his vehicle because Deputy Del Valle was in his line of fire and he was too close to Deputy Del Valle in case he had to shoot. He stated that [redacted] asked about less lethal, but there was no time to deploy it. Sergeant Johnson said he estimated the time from the moment he got out of his vehicle until the suspect shot at them was approximately thirty seconds. Sergeant Johnson said the suspect raised his gun and fired one shot at them. He saw the muzzle flash and returned fire. He shot two rounds and saw the suspect was still standing and was pointing the hand gun in their direction. He fired two more rounds and the suspect went to the ground and dropped the gun. Sergeant Johnson said the suspect was on the ground but he was still uncooperative by failing to comply with orders and yelling at them. He and assisting units approached the suspect and pulled him from the middle of the street to a position of cover behind an SUV. He stated he handcuffed the suspect and changed magazines in his duty weapon. They approached the residence and cleared the location, looking for additional victims. He related once the location was cleared, they called in the paramedics to treat the suspect.

Sergeant Johnson stated at the time of the shooting, he did not see anyone on the street, and he knew that his shooting background was a school playfield that at that time of night would be vacant. He said his shots were controlled and that he was able to utilize the sights of his weapon. Sergeant Johnson stated the suspect's actions left them no other option but to utilize their firearms. He stated he was in fear for the safety of his partners and himself, and was defending himself.

> **IAB Note:** **Sergeant Johnson was shown multiple photographs of the crime scene during his interview. The photographs will be included in the IAB case book as [Exhibit D].**

For Sergeant Johnson's complete statements, refer to his verbatim interview transcripts.

**Involved** [redacted] #[redacted] was interviewed by Homicide Bureau Detectives Richard Biddle and Barry Hall on November 29, 2011, at 0927 hrs. The interview was conducted at the Norwalk Sheriff's Station and was audio recorded. The interview was summarized by Homicide Detectives and is included in **[Exhibit A, pages 13-14].** See Exhibit A for his Homicide Interview.

> **IAB Note:** **IAB Investigators had the verbatim interview transcribed and it is included in the IAB case book in the transcription section. A C.D. containing the audio interview is included in the IAB case book in [Exhibit C].**

[redacted] was interviewed by IAB Sergeants Hamil and Carrizosa on February 13, 2013 at 1045 hrs. He was advised of his right to representation and he chose to speak with IAB investigators without representation. The following is a summary of his interview. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

[redacted] statement and description of the incident during this interview was essentially the same as he provided to Homicide Detectives. He then answered questions relative to tactics and training.

# INTERNAL AFFAIRS BUREAU
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[redacted] related he was working with Deputy Del Valle as Unit [redacted] He was an [redacted] person on the shift so he worked with Deputy Del Valle as a two person unit. He stated they were on a traffic stop when they were assigned the handle on the incident. He was driving, so Deputy Del Valle coordinated the response with the assisting units and he thought the coordination was done on L-Tac. He stated the call was updated while they were en-route indicating the suspect had shot the gun. They met with Sergeant Johnson at the intersection of Dune and Elmcroft. He stated they discussed the different options of weaponry based on what they had in their vehicles. He remembers they discussed different options as the Taser and Stunbag.

[redacted] stated after the call was updated they drove north on Elmcroft Avenue and had just passed Hercules Avenue when the suspect "darted" out into the street in front of them and stopped in the middle of the street approximately 25 yards in front of their patrol car. He stated the suspect was carrying a bottle of "Jack Daniels" in one hand and a handgun in the other. He stated the area was illuminated by the street lights, and they had turned on their spotlights.

[redacted] stated he could clearly see the gun in the suspect's hand and could tell it was a semi-automatic. He stated they stopped and he remembers yelling out "gun, gun, gun." He stated the suspect was yelling out for them to kill him and they tried to engage the suspect in dialogue but the suspect ignored their orders and commands. [redacted] said they attempted to get the suspect to drop the gun and he had yelled out to Sergeant Johnson to grab the Stunbag. He stated it was almost simultaneous from when he yelled for the Stunbag that the suspect raised the gun from behind his leg and fired at them. [redacted] stated from the time they got out of their car until the suspect shot at them was approximately thirty seconds.

[redacted] stated the suspect was on his hands and knees and was pointing at his forehead and telling them to kill him. He stated the suspect stood up and began to walk towards them. He raised the gun and fired one round at them. He stated he could remember seeing the muzzle flash and heard the shot and he returned fire. He stated he fired approximately four rounds at the suspect and he realized he was exposed to the suspect because of his [redacted] height. [redacted] stated he crouched down behind his car door for concealment, and shot approximately twice more, because the suspect was still standing and pointing the handgun in their direction. He stated after he fired the second time, the suspect went down to the ground and the gun was only a couple of feet away from the suspect. [redacted] stated they came up with a quick plan to take the suspect into custody and they approached him.

He said the suspect was still uncooperative and they pulled the suspect out of the street behind a vehicle. He stated they pulled the suspect to cover because they didn't know what had happened at the location prior to their arrival and if any additional victims or suspects were still inside. He stated the suspect was handcuffed and after changing magazines in his firearm they cleared the residence with the assistance of additional units. He stated after the house was cleared they called for paramedics to treat the suspect.

[redacted] stated he was aware his backdrop was a closed school playfield, and that the street was clear. He said the suspect's [redacted] and small child had come from the residence prior to the shooting but she had stopped in the driveway. He stated he told her to get back and she complied. He stated on his first volley of shots, he remembered he had utilized both sights on his firearm, and on the second volley he remembers using his front sight. He said he fired because he was in fear for his safety and the safety of his partners and his shots were fired in a quick controlled manner.

For [redacted] complete statements, refer to his verbatim interview transcripts.

> **IAB Note:** [redacted] **was shown multiple photographs of the crime scene during his interview. The photographs will be included in the IAB case book as [Exhibit E].**

**Involved Deputy Brent Del Valle #**[redacted] was interviewed by Homicide Bureau Detectives Richard Biddle and Barry Hall on November 29, 2011, at 0907 hrs. The interview was conducted at the Norwalk Sheriff's Station and was audio recorded. The interview was summarized by Homicide Detectives and is included in **[Exhibit A, pages 12-13].** See Exhibit A for his Homicide Interview.

> **IAB Note:** **IAB Investigators had the verbatim interview transcribed and it is included in the IAB case book in the transcription section. A C.D. containing the audio interview is included in the IAB case book in [Exhibit C].**

# INTERNAL AFFAIRS BUREAU
## INVESTIGATIVE SUMMARY
## DEPUTY INVOLVED SHOOTING: HIT

**Deputy Del Valle** was interviewed by IAB Sergeants Hamil and Carrizosa on February 20, 2013, 1005 hrs. He was advised of his right to representation and he chose to speak with IAB investigators without representation. The following is a summary of his interview. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

Deputy Del Valle's statement and description of the incident during this interview was essentially the same as he provided to Homicide Detectives. He then answered questions relative to tactics and training.

Deputy Del Valle stated he was working with [redacted] as Unit [redacted] when they received a call of suicidal person call, armed with a gun. He stated he was the passenger and he coordinated the call with assisting units. He remembered assigning units to contain the area based on the information he received. He stated they met with Sergeant Johnson prior to responding to the location. He stated he could not remember what tactics were discussed with Sergeant Johnson prior to responding to the location, but he remembered the meeting lasting maybe a minute.

Deputy Del Valle stated as they arrived at the location, the suspect ran into the street, carrying a bottle of alcohol in one hand and a gun in the other. He stated the suspect was pacing back and forth yelling at them to kill him. He stated they had no time to consider using "Less Lethal" options because the situation happened too fast. He stated the suspect raised his gun and fired at them from a distance of approximately 25 yards. He said he thought the suspect was shooting directly at him, and fearing for his safety, he returned fire. He stated he couldn't remember how many rounds he fired until Homicide Detectives counted his rounds. Deputy Del Valle stated he thought he fired all the rounds at once and that he had utilized his sights. Deputy Del Valle stated he stayed with the suspect while other deputies cleared the house.

Deputy Del Valle stated he was aware that his backdrop was an empty field and that the street was clear during the shooting. He said some of the neighbors came outside after the shooting and he had no contact with anyone from inside of the residence.

For Deputy Del Valle's complete statements, refer to his verbatim interview transcripts.

IAB Note: **Deputy Del Valle was shown multiple photographs during his interview. The photographs will be included in the IAB case book as [Exhibit F].**

**EMPLOYEE WITNESSES**

None

**CIVILIAN WITNESSES**

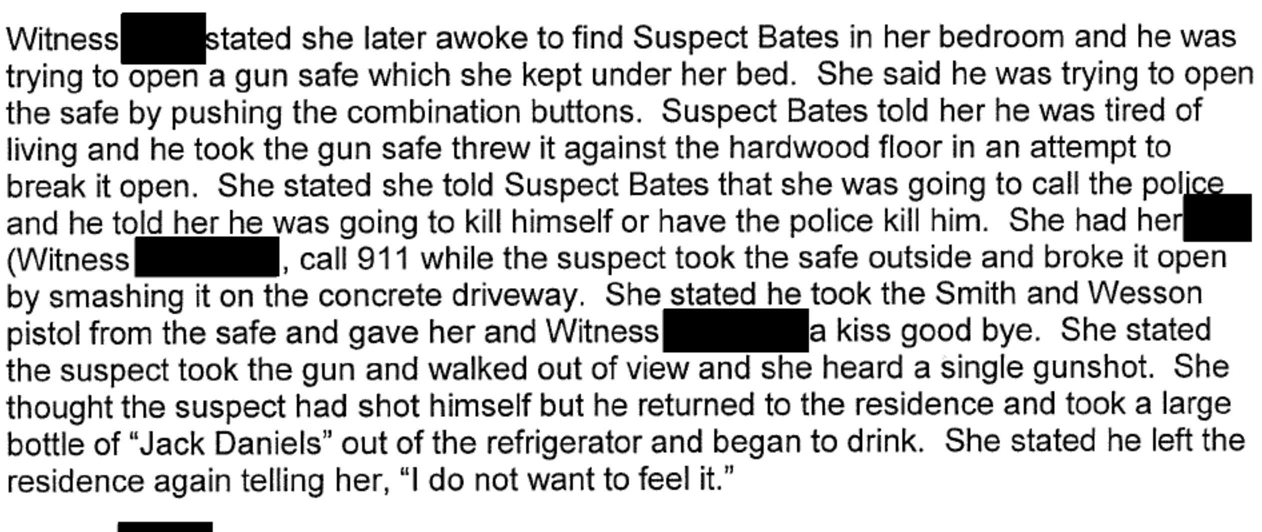
[redacted]

Witness [redacted] was interviewed on November 29, 2011, 0750 hrs. At the Norwalk Sheriff's Station by Homicide Bureau Sergeants Hall and Biddle **[Exhibit A, pages 5-6]**. Internal Affairs Bureau Sergeants Hamil and Velasquez were present. For her complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

IAB Note: **The interview was audio recorded and a copy of the audio interview is included in the IAB case book as [Exhibit C]. Homicide Investigators summarized the interview and it is included in [Exhibit A, pages 5-6].**

Witness [redacted] stated she is the [redacted] of Suspect Bates, and he has been living with her for approximately three years. She stated that Suspect Bates is an alcoholic who drinks daily. Witness [redacted] stated she came home from work and found Suspect Bates on the sofa and it was obvious that he had been drinking. She stated Suspect Bates left the residence to be with his [redacted] (Witness [redacted] and sometime during the night she received a call from Witness [redacted] stating that Suspect Bates was arguing with her [redacted] Witness [redacted] stated she called Suspect Bates and he was riding around in a cab and sounded depressed.

# INTERNAL AFFAIRS BUREAU
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Witness [redacted] stated she later awoke to find Suspect Bates in her bedroom and he was trying to open a gun safe which she kept under her bed. She said he was trying to open the safe by pushing the combination buttons. Suspect Bates told her he was tired of living and he took the gun safe threw it against the hardwood floor in an attempt to break it open. She stated she told Suspect Bates that she was going to call the police and he told her he was going to kill himself or have the police kill him. She had her [redacted] (Witness [redacted], call 911 while the suspect took the safe outside and broke it open by smashing it on the concrete driveway. She stated he took the Smith and Wesson pistol from the safe and gave her and Witness [redacted] a kiss good bye. She stated the suspect took the gun and walked out of view and she heard a single gunshot. She thought the suspect had shot himself but he returned to the residence and took a large bottle of "Jack Daniels" out of the refrigerator and began to drink. She stated he left the residence again telling her, "I do not want to feel it."

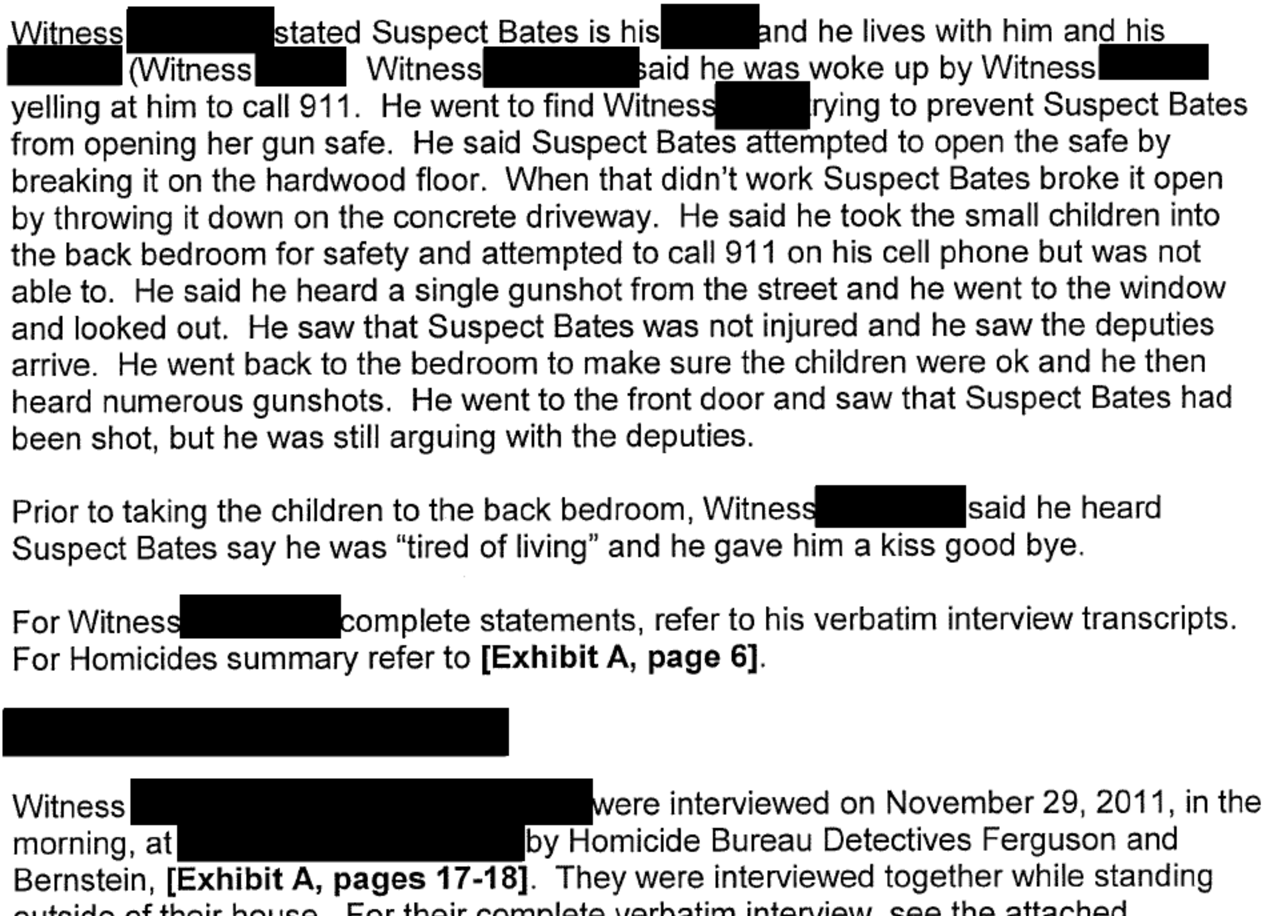
Witness [redacted] stated that the deputies arrived and they were telling Suspect Bates to "put the gun down," and "we don't want to hurt you." She stated Suspect Bates was telling the deputies to kill him and he fired the gun into the air. She stated the deputies did not return fire until suspect Bates pointed the gun directly at them and he fired at least once at them. She said after Suspect Bates fell to the ground she went outside but was ordered to return to the residence by the deputies. Witness [redacted] stated, "Everything you did, I know you had to do." She stated Suspect Bates had attempted suicide before.

For Witness [redacted] complete statements, refer to her verbatim interview transcripts. For Homicides summary refer to **[Exhibit A, page 5]**.

[redacted]

Witness [redacted] was interviewed on November 29, 2011, at 0830 hrs, at the Norwalk Sheriff's Station by Homicide Bureau Sergeants Hall and Biddle **[Exhibit A, pages 6-7]**. Internal Affairs Bureau Sergeants Hamil and Velasquez were present. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

**IAB Note:** **The interview was audio recorded and a copy of the audio interview is included in the IAB case book as [Exhibit C]. Homicide Investigators summarized the interview and it is included in [Exhibit A, pages 6-7].**



Witness [redacted] stated Suspect Bates is his [redacted] and he lives with him and his [redacted] (Witness [redacted] Witness [redacted] said he was woke up by Witness [redacted] yelling at him to call 911. He went to find Witness [redacted] trying to prevent Suspect Bates from opening her gun safe. He said Suspect Bates attempted to open the safe by breaking it on the hardwood floor. When that didn't work Suspect Bates broke it open by throwing it down on the concrete driveway. He said he took the small children into the back bedroom for safety and attempted to call 911 on his cell phone but was not able to. He said he heard a single gunshot from the street and he went to the window and looked out. He saw that Suspect Bates was not injured and he saw the deputies arrive. He went back to the bedroom to make sure the children were ok and he then heard numerous gunshots. He went to the front door and saw that Suspect Bates had been shot, but he was still arguing with the deputies.

Prior to taking the children to the back bedroom, Witness [redacted] said he heard Suspect Bates say he was "tired of living" and he gave him a kiss good bye.

For Witness [redacted] complete statements, refer to his verbatim interview transcripts. For Homicides summary refer to **[Exhibit A, page 6]**.

[redacted]

Witness [redacted] were interviewed on November 29, 2011, in the morning, at [redacted] by Homicide Bureau Detectives Ferguson and Bernstein, **[Exhibit A, pages 17-18]**. They were interviewed together while standing outside of their house. For their complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

> **IAB Note:** **The interview was audio recorded and a copy of the audio interview is included in the IAB case book as [Exhibit C]. Homicide Investigators summarized the interview and it is included in [Exhibit A, pages 17-18].**

They stated they were having coffee and heard a female yell, "get out of my house" and what sounded like a gunshot. They stated [redacted] called 911 and saw Suspect Bates in the street and they heard at least two more shots. They saw Suspect Bates in the middle of the street, "manipulating" the gun. They stated the deputies arrived and heard them give Suspect Bates orders to "drop the gun." They stated Suspect Bates was yelling at the deputies to shoot him and he was holding the gun behind his back.

They stated they saw the suspect shoot at the deputies and they returned fire. They said the deputies gave him plenty of warning and that the suspect shot first.

For Witnesses complete statements, refer to his verbatim interview transcripts. For Homicides summary refer to **[Exhibit A, page 19]**.

[redacted]

Witness [redacted] was interviewed on November 29, 2011, at approximately 0620 hrs, at the Norwalk Sheriff's Station by Homicide Bureau Sergeants Hall and Biddle **[Exhibit A, pages 3-5]**. For her complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

**IAB Note:** **The interview was audio recorded and a copy of the audio interview is included in the IAB case book as [Exhibit C]. Homicide Investigators summarized the interview and it is included in [Exhibit A, pages 3-5].**

Witness [redacted] was not present at the shooting. She provided information to Homicide Bureau on the suspect's actions prior to him arriving at the residence. Witness [redacted] related that she and the suspect had an argument earlier in the evening. She stated the suspect was despondent and he had come to her house twice during the night. She stated she called the Whittier Police Department twice to have the suspect leave her and her family alone. She stated she was notified by Witness [redacted] that the suspect had been shot.

For Witness [redacted] complete statements, refer to her verbatim interview transcripts. For Homicides summary refer to **[Exhibit A, page 3]**. Copies of Whittier Police, calls for service are included in **[Exhibit A, pages 94-98]**.

## SUSPECTS STATEMENTS

Suspect Bates was interviewed on November 29, 2011, 1100 hrs, at Saint Francis Hospital by Homicide Bureau Sergeants Hall and Biddle **[Exhibit A, pages 7-8]**. For his complete verbatim interview, see the attached transcripts included in the IAB case book in the transcription section.

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## DEPUTY INVOLVED SHOOTING: HIT

**IAB Note: The interview was audio recorded and a copy of the audio interview is included in the IAB case book as [Exhibit C]. Homicide Investigators summarized the interview and it is included in [Exhibit A, pages 7-8].**

Suspect Bates told Homicide Detectives that he wanted the deputies to "shoot him." He said he was "tired" and he wanted to "hurt himself." He said it was an "accident" that he shot the deputies car, and that he was laying down when he was shot. He admitted to drinking but then told Homicide Detectives he didn't want to talk without a lawyer. Based on Suspect Bates invoking his rights, he was not interviewed by Internal Affairs Investigators.

For Suspect Bates complete statements, refer to her verbatim interview transcripts. For Homicides summary refer to **[Exhibit A, page 7]**.

On July 31, 2012 the Los Angeles County District Attorney's Office issued their letter of opinion regarding this shooting incident. The letter concludes with the statement, "We conclude that Sergeants Christopher Johnson and [redacted] and Deputy Brent Del Valle acted in lawful self-defense. We are therefore closing our file and will take no further action in this manner." A copy of the letter will be included in the IAB case book in the **Miscellaneous Documents**.



# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

July 31, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No.11-0763
L.A.S.D. File No. 011-16360-0451-055

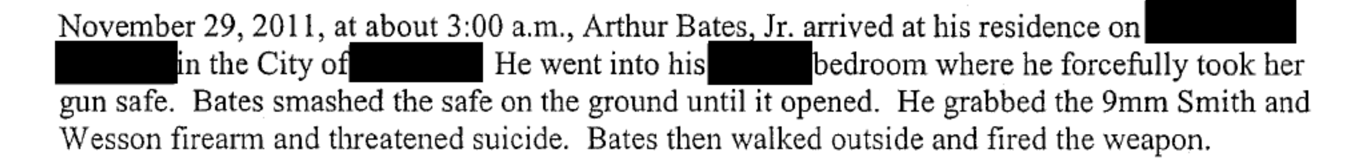
Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 29, 2011, non-fatal shooting of Arthur Bates, Jr. by Los Angeles County Sheriff's Department Sergeants Christopher Johnson and [redacted] and Deputy Brent Del Valle. We have concluded that Sergeants Christopher Johnson and [redacted] and Deputy Brent Delvalle acted lawfully in self-defense.

The District Attorney's Command Center was notified of this incident at 4:30 a.m. on November 29, 2011. The District Attorney Response Team, comprised of Deputy District Attorney Natalie Adomian and District Attorney Senior Investigator Tanya Newton, was notified by the Command Center and responded immediately to the scene. They were given a briefing of the circumstances surrounding the incident and a walk-through of the scene.

The following analysis is based upon our examination of the reports and photographs submitted to this office by Sergeants Richard Biddle and Barry Hall of the Homicide Bureau of the Los Angeles County Sheriff's Department. Compelled statements were not considered as part of this analysis.

## FACTUAL ANALYSIS



November 29, 2011, at about 3:00 a.m., Arthur Bates, Jr. arrived at his residence on [redacted] in the City of [redacted] He went into his [redacted] bedroom where he forcefully took her gun safe. Bates smashed the safe on the ground until it opened. He grabbed the 9mm Smith and Wesson firearm and threatened suicide. Bates then walked outside and fired the weapon.

Sergeants Christopher Johnson and [redacted] and Deputy Brent Delvalle responded to Bates' home regarding a possible suicidal man with a gun and shots having been fired at the scene. Upon their arrival, they saw Bates in the middle of the street holding a gun. The deputies repeatedly ordered Bates to the ground while Bates yelled at the deputies to shoot him. Bates pointed his gun at the deputies and fired multiple times in their direction. Sergeants Johnson and [redacted] and Deputy Delvalle fired at Bates. Bates fell to the ground and was taken into custody.

Adjacent to Bates' body, deputies recovered a Smith and Wesson 9mm semiautomatic handgun and five cartridges, identified as having been fired from that gun. He was immediately transported to St. Francis Hospital, treated for multiple gunshot wounds, then released. He is currently charged with three counts of violating Penal Code section 245(d)(2), assault on a peace officer with a semiautomatic firearm, and personally discharging a firearm in violation of Penal Code section 12022.53(c). He was previously convicted of violating: Penal Code section [redacted]

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense if it reasonably appears to the person claiming the right that he actually and reasonably believed that he or another was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.* If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

## CONCLUSION

The evidence examined in this investigation shows that Arthur Bates was armed with a handgun and threatened to shoot officers. He ignored the officers' commands to surrender. He then shot at officers multiple times. In fear for their lives, Sergeants Christopher Johnson and [redacted] and Deputy Brent Delvalle responded with deadly force.

We find Sergeants Christopher Johnson and [redacted] and Deputy Brent Delvalle acted in lawful self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

NATALIE ADOMIAN
Deputy District Attorney
(213) 974-3880

c: Sergeant Christopher Johnson, #[redacted]
[redacted] #[redacted]
Deputy Brent Delvalle, #[redacted]